

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
(English Language Declaration)

File No. 9186.7804

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **IMPROVED DIAGNOSTIC SANITARY TEST STRIP**, the specification of which (check one):

- is attached hereto
 was filed on as Serial No. and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability, as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| <u>Prior Foreign Application(s)</u> | | <u>Day/Month/Year</u> | <u>Priority Claimed</u> | |
|-------------------------------------|----------------|-----------------------|-------------------------|-----------|
| <u>Number</u> | <u>Country</u> | | <u>Yes</u> | <u>No</u> |
| | | | [] | [] |
| | | | [] | [] |
| | | | [] | [] |

I hereby claim the benefit under Title 35, United States Code 120, of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| <u>Serial No.</u> | <u>Filing Date</u> | <u>Status</u> |
|-------------------|--------------------|---------------|
|-------------------|--------------------|---------------|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith along with any and all foreign applications filed and foreign patents issued therefrom.

Barry L. Haley, Registration No. 25,339
Dale Paul DiMaggio, Registration No. 31,823
Kevin P. Crosby, Registration No. 32,123
Daniel S. Polley, Registration No. 34,902
David P. Lhota, Registration No. 39,275
Mark D. Bowen, Registration No. 39,914
Rick F. Comoglio, Reg. No. P40,963

Send all correspondence to:

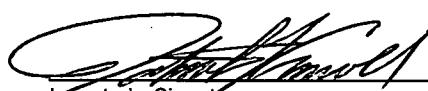
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Direct telephone calls to:

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Patrick Carroll

Full Name of Sole or First Inventor


Inventor's Signature

U.S.

Citizenship

June 10, 1997
Date

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Residence

Post Office Address

Jon Schneider

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Second Inventor's Signature

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Citizenship

6/6/97
Date

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Third Inventor's Signature

U.S.

Citizenship

5/30/97
Date

5513 Southlands Court

Woodstock, GA 30188

Residence

Applicant or Patentee: Carroll, et al.
Serial No.: To be assigned
Patent No.: To be assigned
Filed or Issued: Concurrently herewith
For: IMPROVED DIAGNOSTIC SANITARY TEST STRIP

Attorney's
Docket No.: 8186.7804

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I HEREBY DECLARE THAT I AM

- the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Home Diagnostics, Inc.

ADDRESS OF CONCERN: 2600 N.W. 55th Court, #239
Fort Lauderdale, FL 33309

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled IMPROVED DIAGNOSTIC SANITARY TEST STRIP by inventor(s) Carroll, Schneider, and Bell described in

- the specification filed herewith
 application serial no. , filed .
 patent no. , issued: .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME:

ADDRESS:

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME:

ADDRESS:

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

ME OF PERSON SIGNING:

LE OF PERSON OTHER THAN OWNER:

RESS OF PERSON SIGNING:

TURE

004.223

VICE PRESIDENT OPERATIONS

DATE: 6/6/97

705344 US
 06/10/97
 09/872088 PTO

ASSIGNMENT

INVENTOR/ASSIGNOR: *Patrick Carroll*
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INVENTOR/ASSIGNOR: *Jon Schneider*
 Residence Address: **1900 Lakeshore Dr.**
 City: **Weston** State/Zip: **FL 33326**

INVENTOR/ASSIGNOR: *Douglas E. Bell*
 Residence Address: **5513 Southlands Court**
 City: **Woodstock** State/Zip: **GA 30188**

ASSIGNEE: **Home Diagnostics, Inc.**
 Address: **2600 Northwest 55th Court, #239**
 City: **Ft. Lauderdale** State/Zip: **FL 33309**

TITLE OF INVENTION: **IMPROVED DIAGNOSTIC SANITARY TEST STRIP**

United States Patent
 Application Serial Number: *To be assigned*

Filed: *Concurrently herewith*

The Assignors are the owners of the above-referenced invention and owners of the above-referenced United States patent application, and the Assignee is desirous of acquiring the same. In consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the Assignors hereby assign to the Assignee, including its successors, assigns, heirs, administrators, all of the Assignors' right, title and interest in and to the invention and the patent application therefore identified herein, including the right to sue for damages for all past infringement occurring prior to the execution date of this Assignment, and to any and all patents which may evolve therefrom;

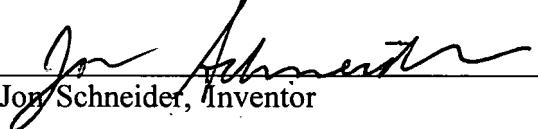
The Assignors also assign all of their right, title and interest in and to said invention in all foreign countries, and all applications for Letters Patent in foreign countries on said invention and any Letters Patent which may evolve therefrom, including the right to claim International Convention priority; and

The Assignors agree to execute any papers or perform any acts required to establish, vest or protect the Assignee's rights therein or required by Assignee to obtain said patent, without any additional payment therefor, but without any expense to Assignors.

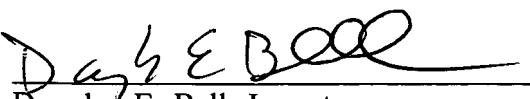
Date of this document: June 10, 1997



 Patrick Carroll, Inventor



 Jon Schneider, Inventor



 Douglas E. Bell, Inventor